

## Jennifer Land

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**From:** deanoanddeano <deanoanddeano@bellsouth.net>  
**Sent:** Monday, July 18, 2016 9:44 AM  
**To:** Jennifer Land  
**Cc:** Brian Burke  
**Subject:** Ethics Board - Docket 2016 - 509  
**Attachments:** Nan Alessandra Contract.pdf; COM Charter Section 4-02.pdf; Act 164 of 1984.pdf

Re: Ethics Board  
Docket 2016 – 509

Dear Ms. Land,

With regards to the above matter I am enclosing the following:

- 1) The contract between the City of Mandeville and Nan Alessandra, executed by Mayor Villere, to provide legal services to the Civil Service Boards of Mandeville. The contract is referenced to show that Ms. Alessandra is a Special Appointed Counsel to the City.
- 2) A copy of Section 4 – 02 of the Mandeville City Charter. Please note Subsection (C) which states that the City Attorney is the legal advisor to “all departments, offices and agencies”.
- 3) A copy of Act 164 of 1984 which created a Civil Service System for the Municipal Police. Section 3(B) sets out the duties of the Board. That section is the closest to setting out the powers or authority of the Board. There is no authority to hire employees, budget funds or spend them.

The expenses of the Civil Service Board of the City of Mandeville are paid by the City through appropriation of funds in the City Budget. Neither Civil Service Board has a bank account or a check book.

You may recall our conversation regarding the above referenced docket item. This is written at your suggestion in an effort to have that opinion amended by the Board of Ethics.

Should you need any additional information, please give me a call. Thank you for your help in this matter.

Sincerely,

Edward J. Deano, Jr.  
City Attorney for  
City of Mandeville

DONALD J. VILLERE  
MAYOR

# City of Mandeville

"THE HEART OF THE OZONE BELT"



CITY COUNCIL

CLAY MADDEN  
MAYOR PRO TEM

RICK S. DANIELSON  
AT LARGE

DAVID B. ELLIS  
DISTRICT I

CARLA BUCHHOLZ  
DISTRICT II

ERNEST BURGUIERES  
DISTRICT III

M. Nan Alessandra  
Phelps Dunbar LLP  
Canal Place  
365 Canal Street, Suite 2000  
New Orleans, LA 70130-6534

RE: Representation through Appointed Special Counsel

Dear Ms. Alessandra:

I would first like to take the opportunity to thank you for your time and services to the City of Mandeville. The purpose of this letter is to confirm our mutual understanding of the representation that Phelps Dunbar LLP, Nan Alessandra (the "Firm") has agreed to undertake on behalf of the City of Mandeville Municipal Police Employees' Civil Service Board and the Municipal Employees' Civil Service Board (the "Client") and to set forth the scope and the terms of our engagement.

Please review this letter carefully. If it meets with your approval and reflects your understanding of our respective responsibilities, please sign the letter and return it to us.

## 1. Scope of Engagement

We understand that the scope of our engagement will be for Nan Alessandra to be appointed Special Counsel to the City of Mandeville Municipal Police Employees' Civil Service Board and the Municipal Employees' Civil Service Board to provide Client with legal services with respect to any advice, consultation, and/or administrative, judicial and other legal proceedings, and the representation of Client in those matters which Client may from time to time engage the Firm.

In general, your services may include, but not be limited to, investigation, research and analysis of legal and factual issues in the matter, analysis of applicable law, negotiations with opposing counsel, drafting and preparation of documents, review and comment on documents prepared by others, and written and oral communications with other parties and Client. In matters of litigation, services may include, but not be limited to, filing suit, trying, and appealing cases. We understand that information and documents required or necessitated will be provided for the factual information and documents required to perform the services; we will jointly make decisions and determinations as necessary or appropriate to facilitate the rendering of services and we will be available to assist you in the progress of your representation, and will remit payment of your invoices in accordance with the terms set forth below.

2. **Progress and Reporting**

It will be necessary for you to report regularly on the status of each matter so handled by you, and on significant developments as they occur and to inform us of significant communications in each matter.

We ask that you remain in close contact with us and that you be available to consult with us as developments occur. If you have any questions or concerns about the matter, we ask that you raise them with us immediately so that they can be promptly and effectively addressed and resolved.

3. **Fees and Costs**

The hourly rates considered and approved for your firm are as follows:

Nan Alessandra      \$260.00

4. **Billing Procedures**

Statements for Services rendered shall be submitted monthly by the firm and paid within thirty (30) days.

5. **Responsibilities of Attorney and Client**

The Firm will provide strictly legal services in connection with this engagement. The Client is not relying on the Firm for, and the Firm is not providing, any business, investment, insurance or accounting decisions or any investigation of the character or credit of persons with whom Client may be dealing.

In addition, unless specifically agreed otherwise in writing, the Firm will not provide any advice related to insurance coverage issues and suggest that Client check with its insurance carrier on such issues.

The Firm has been engaged to provide legal services in connection with the above referenced matter. In order for the Firm to assist Client effectively and efficiently, we expect that Client will provide the Firm with any pertinent information which relates to the subject matter of our engagement. The Firm encourages Client to share with us at all times its expectations and any concerns regarding the Firm's services at any time during the course of the representation. We believe that Client should be actively involved in the strategy and management of its legal affairs and the Firm's goal is to encourage candid and frequent communication between the Client and the Firm. The Firm will keep Client informed of developments regarding this matter and will consult with Client and/or whomever Client designates as necessary to ensure the timely, effective and efficient completion of the work.

Unless previously ended, the Firm's representation concludes when the Firm sends its final statement for services rendered in this matter. Following the conclusion of the Firm's representation, any otherwise non-public information Client has supplied which is retained by the Firm will be kept confidential in accordance with applicable Rules of Professional Conduct. At Client's request, its papers and property will be returned to Client promptly upon receipt of payment for outstanding fees and costs. Our Firm files pertaining to the matter will be retained by the Firm. These Firm files could include, for example, Firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records; and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual

research, including investigative reports, prepared by or for the internal use of lawyers. All such documents retained by the Firm will be transferred to the person responsible for administering our records retention program.

The Firm prides itself on maintaining good working relationships with its clients. If Client becomes dissatisfied with any aspect of the Firm's relationship, the Firm encourages Client to bring that to our attention immediately. It is the Firm's belief that most problems can be resolved by a frank and good faith discussion between Client and the Firm.

#### 6. Conflicts

Client is aware that the Firm represents other entities, companies and individuals. The Firm has conducted a computerized search of any existing and/or potential conflicts of interest which would or could bar the Firm's representation in this matter. The Firm is pleased to confirm it has no conflicts to report.

Since the Firm is a relatively large firm and represents other clients throughout the region, it is possible that during the time the Firm is representing Client, some of the Firm's present or future clients will have disputes or transactions with Client that are not related to this matter. To preserve the Firm's ability to be available to its clients, Client agrees to waive in advance any conflict that might result from our continuing to represent or undertaking in the future to represent existing or new clients in any dispute or transaction that is not related to our work for Client, even if the interests of such clients in those other matters are directly adverse to Client. Client agrees that its prospective consent to conflicting representation will not apply in any instance where, as a result of our representation of Client, the Firm has obtained proprietary or other confidential information of a non-public nature, that if known to such other clients could be used in any such other matter by such client to Client's material disadvantage.

#### 7. Arbitration

We anticipate a productive, harmonious relationship. If either Client or the Firm become dissatisfied for any reason with the City/Client, we encourage you to bring that to our attention immediately. If we perceive a problem we will discuss it with you.

Most problems should be rectified by communication and discussion. However, a dispute could arise between us that cannot be resolved by negotiation. We believe that attorney-client disputes, both as to fees, malpractice and otherwise, are most satisfactorily resolved through binding arbitration rather than by litigation in court.

ACCEPTED AND AGREED:

City of Mandeville Municipal Police Employees'  
Civil Service Board and the Municipal Employees' Civil Service Board

By: *Donald J. Villere*

Name: Mayor

Title: Donald J. Villere

PHELPS DUNBAR LLP

By: *M. Nan Alessandra*

Name: M Nan Alessandra

Title: PARTNER

relative to specialized legal services to be provided for the City of Mandeville Municipal Police Employees' Civil Service Board and the Municipal Employees' Civil Service Board regarding matters of Civil Service, employment law issues including advice, consultation and representation of the City of Mandeville Municipal Police Employees' Civil Service Board and the Municipal Employees' Civil Service Board in litigation in such areas of law before any legal tribunal, at a rate not to exceed \$250.00 per hour and billable is not to be more than quarter hour increments

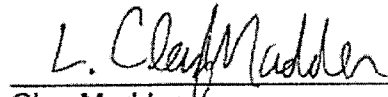
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute any and all documents in furtherance of this resolution.

**With the above resolution having been properly introduced and duly seconded, the vote was as follows:**

AYES:	5(Madden, Danielson, Ellis, Buchholz, Burguières)
NAYS:	0
ABSENT:	0
ABSTENTION:	0

and the resolution was declared adopted this 11th day of July, 2013.

  
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Lorraine Myhal  
Clerk of Council

  
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Clay Madden  
Mayor Pro Tem

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INTER

OFFICE

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# MEMO

TO: Edward Deano  
Frank Oliveri  
Gretchen McKinney  
Doug Schmidt

FROM: Lorraine Myhal

DATE: July 12, 2013

RE: Resolution No. 13-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH NAN ALESSANDRA, RELATIVE TO SPECIALIZED LEGAL SERVICES TO BE PROVIDED TO THE CITY OF MANDEVILLE MUNICIPAL POLICE EMPLOYEES' CIVIL SERVICE BOARD AND THE MUNICIPAL EMPLOYEES' CIVIL SERVICE BOARD REGARDING MATTERS OF CIVIL SERVICE, EMPLOYMENT LAW ISSUES AND REPRESENTATION OF THE CITY OF MANDEVILLE MUNICIPAL POLICE EMPLOYEES' CIVIL SERVICE BOARD AND THE MUNICIPAL EMPLOYEES' CIVIL SERVICE BOARD IN LITIGATION IN SUCH AREAS OF LAW AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Please find attached for your information, a signed copy of Resolution No. 13-46 which was adopted at the July 11, 2013 regular meeting of the Mandeville City Council.

If you have any questions or need anything additional, please let me know.

may declare the office of mayor temporarily unoccupied, and the office of mayor shall be filled by the mayor pro tempore. The mayor pro tempore shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two-thirds of the authorized membership of the council, transmits to the clerk of the council a written declaration signed by a majority of the medical panel that the mayor's disability has ended, and the council by the favorable vote of at least two-thirds of the authorized membership declares that the mayor is able to assume the duties of the office.

C. In the event the mayor is declared disabled, the designated medical experts shall review the mayor's disability at least once every three (3) months until such time as it has been determined that the disability has ended.

D. Should the mayor be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months because of a disability, the council shall have the authority upon the favorable vote of at least two-thirds of its authorized membership to declare the office of mayor vacant due to disability; provided, however, that the council shall hold a public hearing on the issue prior to any such declaration. The council shall fill the vacancy in accordance with the section on "Vacancies."

### **Section 3-10. Prohibitions.**

A. The mayor shall hold no other elected public office nor any compensated appointive office or employment of the city government during the term of office for which elected and shall hold no compensated appointive office or employment of the city government until one (1) year after expiration of the term for which elected. The mayor shall not engage in any activity that would substantially interfere with compliance of the duties of the office provided by this charter.

B. Nothing in this section shall prohibit the mayor from serving as an elected member of a political party committee, charter commission or constitutional convention.

### **Section 3-11. Office [facilities] of mayor.**

The office of the mayor shall be located in the city hall.

## **ARTICLE IV. ADMINISTRATION**

### **Section 4-01. General provisions.**

A. Operating rules and regulations prepared by the mayor or the departments, offices and agencies under his jurisdiction shall, upon approval by the mayor, be filed in the office of the mayor and the office of the clerk of the council. Such rules and regulations shall be codified, indexed and bound and shall be available to the public at the cost of reproduction.

B. Except as otherwise provided by this charter, all departments, offices and agencies of the city and all employees thereof shall be under the direction and supervision of the mayor.

C. Except as otherwise provided in this charter, all department directors shall be appointed by the mayor and serve at the pleasure of the mayor.

D. The salaries of the directors of the departments appointed by the mayor shall be set by the mayor subject to approval by the council by means of the budget.

### **Section 4-02. Legal Department.**

A. The head of the legal department shall be the city attorney who shall be appointed by the mayor subject to approval by the council.

B. The city attorney shall be an attorney duly authorized and licensed to practice law in the courts of Louisiana.

C. The city attorney shall serve as chief legal advisor to the mayor, council and all departments, offices and agencies, shall represent the city in all legal proceedings, and shall perform other duties prescribed by this charter or by ordinance.

D. Any assistant city attorneys authorized by the council shall be appointed by the city attorney subject to approval by the council.

E. No special legal counsel shall be employed by the city except by written contract and approval of the council.



ceedings adopted by the city council authorizing the issuance of the bonds and providing for the security thereof. Such bonds or other evidences of indebtedness may be sold by the city council at public or private sale. The authority of the city council to issue bonds of the city pursuant to this Act shall be in addition to any other authority now or hereafter conferred on the city council to issue bonds or other evidences of indebtedness.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, then upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Louisiana Constitution of 1974.

Section 4. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

Section 5. All laws or parts of laws in conflict herewith are hereby repealed.

Approved by the Governor: June 25, 1984.

Published in the Official Journal of the State: July 17, 1984.

A true copy:

JAMES H. "Jim" BROWN  
Secretary of State.

ACT No. 164

House Bill No. 661.

By: Messrs. Deano and Ripoll and Senator Hinton.

AN ACT

To create and provide for a system of civil service for the municipal police employees of the city of Mandeville; to create and to provide for the organization, powers, duties, and functions of the Municipal Police Employees Civil Service Board of the city; to provide with respect to matters pertaining to this civil service system; to provide penalties for violations of this Act or any rule, regulation, or order issued hereunder; to repeal Act No. 242 of the 1954 Regular Session and Act No. 30 of the 1983 Regular Session with respect to the chief of police and police employees of the city of Mandeville; and otherwise to provide with respect thereto.

Notice of intention to  
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Be it enacted by the

Section 1. System of

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Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. System of classified civil service; creation; policy

A. There is hereby created and established in the city of Mandeville a classified civil service embracing all positions of employment and all officers and employees, including the chief of police of the municipal police department as provided in this Act, and the appointment and dismissal of all police employees shall be subject to the provisions herein. The classified civil service so created shall be known as the Municipal Police Employees Civil Service.

B. It shall be the policy of the Mandeville Police Department to employ those persons best qualified to perform the police functions of the city and to foster effective career service in police employment; to this end, all appointments and promotions in the department shall be made on the basis of merit and fitness, which shall be determined, insofar as practicable, by evaluation and competitive test.

Section 2. Municipal Police Employees Civil Service Board

A. There is hereby created the Municipal Police Employees Civil Service Board of the city of Mandeville for the purpose of administering a classified civil service system in accordance with the provisions of this Act. The board shall be composed of five members who are recognized to be in sympathy with merit principles of public personnel administration. Members shall receive a per diem allowance and reimbursement for expenses incurred in their official duties, both as shall be fixed by the municipal governing authority of the city of Mandeville.

B. To be eligible for appointment as a member of the board a person shall have been a resident of the city of Mandeville for at least one year prior to appointment and, at the time of appointment, shall be an elector of the municipality. No member of the board shall hold any other public office during the term of his appointment.

C. The membership of the board shall be composed as follows:

- (1) One member to be appointed by the mayor of the municipality.
- (2) One member to be appointed by the municipal governing authority.
- (3) One member to be appointed by the director of the Mandeville Chamber of Commerce.
- (4) One member to be appointed by the Mandeville Ministerial Alliance.

(5) One member to be appointed by the director of the Louisiana Civil Service League after consultation with the president thereof.

D. Initial members so appointed shall serve terms as determined by the municipal governing authority as follows: two for two years, one for three years, and two for four years. Thereafter their successors shall serve terms of four years. Vacancies shall be filled in the manner of the original appointment; if, within forty-five days after written notification by the board to the original appointing authority of a vacancy, the appointing authority fails to make an appointment, then the vacancy shall be filled by the municipal governing authority.

E. Within thirty days after the original appointments are made, the board shall convene and hold its first meeting. Thereafter meetings shall be held on a regular basis as shall be determined by the board. A majority of the board shall constitute a quorum to do business. No action may be taken by the board except by affirmative vote of a majority of those members present and voting. The board shall elect from its membership a chairman and vice chairman who shall serve for one year. The domicile of the board shall be Mandeville, Louisiana.

F. A member may be removed by the municipal governing authority for cause but only after being served with written notification of the charges against him and being afforded an opportunity for a public hearing thereon by the governing authority. A member may also be removed for failure to attend two consecutive meetings or three meetings in one calendar year.

### Section 3. Personnel director; classification and compensation plan; rules and rulemaking

A. Subject to the approval of the municipal governing authority, the board may appoint and employ by competitive test a personnel director who shall be a classified member of the civil service system and shall be responsible to the board for the administration of the classified civil service system. The director shall be qualified and experienced in public administration and shall receive compensation as fixed by the board in accordance with the compensation plan. The director shall be subject to removal by the board but only for just cause and after public hearing by the board.

B. The duties of the personnel director shall be as follows:

(1) To develop, to maintain, and to administer a classification plan to consist of classes designated by standard titles and descriptions designed to provide for all positions in the classified service. The adoption of such classification plan shall be by rule of the board after public hearing.

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(2) To develop and to administer a compensation plan for all positions in the classified civil service. Such compensation plan shall be effective only upon approval by the board after public hearing thereon and approval by the municipal governing authority.

(3)(a) To develop such rules and regulations in accordance with this Section as are necessary to carry out the provisions of this Act and to submit such proposed rules and regulations to the board for review and public hearing and adoption, amendment, or repeal. The board is hereby authorized to adopt, to amend, or to repeal and to execute any such rule or part thereof.

(b) For the purposes of this Subsection, the personnel director shall be responsible for the development of rules and regulations with respect to the following:

(i) Policies and procedures for the administration of the classification plan and for the compensation plan.

(ii) Policies and methods for administering competitive tests to determine the merit and fitness of candidates.

(iii) Establishment and maintenance of employment eligibility lists and procedures for certification of individuals from such eligibility lists for the filling of vacancies.

(iv) Procedures for layoff, suspension, demotion, and dismissal of employees which shall provide for public hearing before the board in cases of suspension, demotion, or dismissal of permanent employees.

(v) Hours of work, attendance, and sick and vacation leave regulations.

(vi) Prohibition against political activities of employees and assessment for political purposes.

(vii) Other policies, procedures, and practices as necessary to administer the classified civil service system.

C. In lieu of appointing a personnel director, as provided in this Section, the board may assume all the powers and duties of the personnel director as provided in this Section.

#### Section 4. Duties of board

In addition to the duties provided in Section 3 or any other provision of this Act, the board shall have the following duties and responsibilities:

(1) To approve the classification and compensation plans.

(2) To review and act upon all rules and regulations proposed for

Act 164

adoption, amendment, or repeal in accordance with Section 3 of this Act.

(3) To hear and decide upon dismissals, suspensions, demotions, and other disciplinary matters as may be provided by rule; the decision of the board in these matters shall be final.

(4) To make any investigations it deems desirable concerning personnel management in the police service and report its findings to the municipal governing authority.

(5) To perform such other policymaking or judicial duties as may be required with respect to the rules developed pursuant to this Act.

Section 5. Penalties

A. Any person who willfully violates any provision of this Act or of any rule, regulation, or order issued hereunder shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars or imprisonment for not more than six months nor less than one month or by both such fine and imprisonment, in the discretion of the court.

B. Any person who is convicted of a misdemeanor under this Act shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service, and if he is an officer or employee of the classified service created by this Act, he shall forfeit his office or position.

Section 6. Any person holding a full-time classified position subject to the provisions of this Act on the effective date hereof and who has served as a classified employee of the city of Mandeville civil service system for at least six months prior thereto shall continue in his position without competitive testing but shall be subject in all other respects to the provisions of this Act.

Section 7. This Act shall not be superseded or be rendered ineffective by any general statute affecting municipal police employees in matters of classified civil service for the city of Mandeville, and this Act shall not be repealed or superseded by any such general statute hereafter enacted unless such general statute specifically expresses the intent of the legislature to repeal or supersede this Act.

Section 8. Act No. 242 of the 1954 Regular Session and Act No. 30 of the 1983 Regular Session of the Legislature and all other laws or parts of law in conflict herewith are hereby repealed.

Section 9. Effective date

This Act shall become effective on September 1, 1984.

Approved by the Governor: June 25, 1984.

Act 165

Published in the Official Journal of the State: July 17, 1984.  
A true copy:

JAMES H. "Jim" BROWN  
Secretary of State.

ACT No. 165

House Bill No. 690.

By: Messrs. Sheridan and Deen.

AN ACT

To recognize, ratify, confirm, and validate certain actions taken pursuant to Act No. 293 of the 1976 Regular Session of the Legislature, specifically an act of exchange of property entered into by and between the state of Louisiana, the Teachers' Retirement System of Louisiana, the Louisiana State Employees' Retirement System, and United Companies Life Insurance Company, and a revision of subdivision restrictions entered into by and between the state of Louisiana, the Teachers' Retirement System of Louisiana, the Louisiana State Employees' Retirement System, United Companies Life Insurance Company, and Four United Plaza Partnership, respecting an act and agreement of exchange and a first revision and amendment to restrictions for United Plaza Subdivision.

Notice of intention to introduce this Act has been published as required by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. It is hereby recognized that Act 293 of the 1976 Regular Session of the Legislature authorized the Teachers' Retirement System of Louisiana, and the Louisiana State Employees' Retirement System to purchase property and to construct and maintain a building and grounds to house the offices of the retirement systems and that such facility was to be acquired in the name of the state of Louisiana and the retirement systems.

Section 2. It is hereby further recognized that, pursuant to Act 293 of the 1976 Regular Session of the Legislature, under date of January 24, 1984 the state of Louisiana through Roger Magendie, Director of the Office of Facility Planning and Control, the Teachers' Retirement System of Louisiana through Carleton C. Page, its Secretary-Treasurer, the Louisiana State Employees' Retirement System through James W. Jolly, its Chairman of the Board of Trustees, and United Companies Life Insurance Company through J.